

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VICTOR BRINKMEIER, JR.,

Plaintiff,

-against-

MEMORANDUM & ORDER
15-CV-3693 (JS) (AKT)

ROUND TWO RECOVERY, LLC,

Defendant.

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APPEARANCES

For Plaintiff: Craig B. Sanders, Esq.
David M. Barshay, Esq.
Barshay Sanders, PLLC
100 Garden City Plaza, Suite 500
Garden City, NY 11530

For Defendant: No Appearance

SEYBERT, District Judge:

Pending before the Court is Plaintiff Victor Brinkmeier, Jr.'s ("Plaintiff") motion seeking a default judgment against defendant Round Two Recovery, LLC ("Defendant") and Magistrate Judge A. Kathleen Tomlinson's Report and Recommendation ("R&R") recommending that this Court grant Plaintiff's motion. (R&R, Docket Entry 17.) For the reasons that follow, the Court ADOPTS Judge Tomlinson's R&R in its entirety.

BACKGROUND

Plaintiff commenced this action on June 24, 2015, alleging that Defendant violated the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, et seq. (R&R at 2-4.) Plaintiff filed a motion for default judgment against Defendant,

on September 22, 2015, (See, Docket Entry 12), and on January 20, 2016, the undersigned referred Plaintiff's motion to Judge Tomlinson for an R&R on whether the motion should be granted, (see, Docket Entry 14).

On July 25, 2016, Judge Tomlinson issued her R&R. (Docket Entry 17.) The R&R recommends that the Court enter a default judgment against Defendant and award Plaintiff \$3,041 in damages, consisting of \$250 in statutory damages, \$2,296 in attorneys' fees, and \$495 in costs. (R&R at 25.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Tomlinson's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

For the foregoing reasons, Judge Tomlinson's R&R (Docket Entry 17) is ADOPTED in its entirety and Plaintiff's motion for a default judgment (Docket Entry 12) is GRANTED. The Court is directed to enter judgment in favor of Plaintiff and against Defendant in the amount of \$3,041. Plaintiff is directed to serve a copy of this Memorandum & Order on Defendant and file proof of service. Further, the Clerk of the Court is directed to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: August 16, 2016
Central Islip, New York